



PTO/SB/30 (09-06)

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# Request for Continued Examination (RCE) Transmittal

Address to:  
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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	10/807,936
Filing Date	March 24, 2004
First Named Inventor	Denison et al.
Art Unit	2835
Examiner Name	Brian A. Zimmerman
Attorney Docket Number	MET-041424CO04

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- ii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/ Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 50-0545. I have enclosed a duplicate copy of this sheet.
- a. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☒ Other additional claims fee in the amount of \$4,850.00
- b. ☒ Check in the amount of \$ 5,255.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

01/31/2008 EAYALEW1 00000052 500545 10807936

01 FC:2801 405.00 OP

02 FC:2202 3150.00 OP

03 FC:2201 85.00 DA 1700.00 OP

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature		Date	January 29, 2008
Name (Print/Type)	Joseph M. Kinsella Jr.	Registration No.	45743

### CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature		Date	January 29, 2008
Name (Print/Type)	Yolanda Solis		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application: William D. Denison et al.

Application No.: 10/807,936

Art Unit: 2635

Filed: March 24, 2004

Examiner: Brian A. Zimmerman

For: ELECTRONIC ACCESS CONTROL DEVICE

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**REQUEST TO WITHDRAW THE APPEAL BASED ON THE FILING OF A REQUEST  
FOR CONTINUED EXAMINATION UNDER 37 C.F.R. § 1.114**

Applicant advises the Board of Patent Appeals and Interferences that a Request for Continued Examination ("RCE") has been filed in response to the Final Office Action mailed November 25, 2005 (a copy of which is attached). Because the RCE has been filed prior to a decision on the appeal, the RCE is to be treated as a request to withdraw the appeal and reopen prosecution of the application before the Examiner.

Should any additional fees be required with this communication, Applicant authorizes the Commissioner to deduct such fees from its Deposit Account No. 50-0545.

Should anything further be required, a telephone call to Applicant's counsel at (312) 226-1818 is respectfully solicited.

Dated: January 29, 2008

Respectfully Submitted,

**CERTIFICATE OF FIRST CLASS MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 29, 2008.

Yolanda Solis

Joseph M. Kinsella Jr.  
One of the Attorneys for the Applicant

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